

Docket No. 281383US0X PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Shigeyuki KON, et al.

SERIAL NUMBER: 10/557,602

FILING DATE: November 22, 2005

FOR: IMMUNOCOMPETENT CELL ACTIVATION INHIBITOR AND USE THEREOF

RESPONSE TO NOTICE OF INSUFFICIENT BASIC NATIONAL FEE REQUIRED
AND/OR MISSING COPY OF INTERNATIONAL APPLICATION UNDER 35 USC 371 AND
37 CFR 1.495

COMMISSIONER FOR PATENTS
BOX PCT
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the notification dated **August 21, 2006**, and in accordance with the provisions of 35 USC 371, Applicants submit herewith a copy of the PCT Request as well as a copy of the published application (WO04/103403).

The notice mailed August 21, 2006 also states that applicant has not furnished the basic national fee. However, the basic national fee of \$900 was paid by credit card on November 22, 2005 along with the payment of the \$130 surcharge for filing without an executed oath or declaration and the \$130 processing fee for filing without an English translation. A copy of our date-stamped filing receipt of November 22, 2005 as well as a copy of the credit card authorization form is attached hereto. The undersigned attorney of record hereby states that the copies being submitted herewith are in fact true copies of the papers filed on November 22, 2005.

Applicants have not claimed Small Entity status.

Applicants therefore believe that sufficient evidence has been presented for the Patent Office to process the filing papers for entry in to the national stage under 35 USC 371 and to issue a notification of missing requirements. Such action is hereby earnestly solicited.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136 and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
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| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/557,602 | Shigeyuki Kon | 281383US0XPCT |
| INTERNATIONAL APPLICATION NO. | | |
| PCT/JP04/07321 | | |
| I.A. FILING DATE | | PRIORITY DATE |
| 05/21/2004 | | 05/23/2003 |
| CONFIRMATION NO. 6078 371 FORMALITIES LETTER | | |
| *OC000000020118168* | | |
| RECEIVED: <i>8/23/06</i> CIBON, SPIVAK, McCLELLAND MAIER & NEUSTADT, P.C. DOCKETING DEPT. Initials/Date Docketed: <i>8/23/06</i> Type of Resp(s): <i>Resp due 7/26/06 Rev. 1/e</i> Due Date(s): <i>9/21/06</i> | | |
| ET | | |
| Date Mailed: 08/21/2006 | | |

NOTICE OF INSUFFICIENT BASIC NATIONAL FEE REQUIRED AND/OR MISSING COPY OF INTERNATIONAL APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

Indication of Small Entity Status has not been received.

The following items must be furnished:

Copy of International Application, which includes a copy of the Request Form, submitted to the International Bureau is missing. A copy of the International Application must be provided prior to 30 months from the priority date to avoid abandonment. Extensions of time under the provisions of 37 CFR 1.136 are not available for compliance with the requirements of 37 CFR 1.495(b). The international application may not be submitted via facsimile transmission.

The basic national fee to enter the national stage in the United States of America under 35 U.S.C. 371 must be paid by 30 months from the priority date (37 CFR 1.495(b)(2)).

If the proper basic national fee is not paid within 30 months from the priority date, the international application will become **ABANDONED** as to the United States of America, and will not be accepted for national examination.

The amount required shown above reflects the correct fee as of the date of this Notice. If the amount changes prior to payment, applicant must pay the revised amount.

The current basic national fees are listed at 37 CFR 1.492(a). In addition, current PCT related fees are listed in each weekly issue of the Official Gazette of the United States Patent and Trademark Office and the amount of the fees can be obtained from the USPTO's web site www.uspto.gov or by contacting the Public Service Center at (703) 308-4357.

Extensions of time under the provisions of 37 CFR 1.136 are not available for compliance with the requirements of 37 CFR 1.495(b)(2).

For filing the basic national fee, the first class certificate of mailing procedure of 37 CFR 1.8 is NOT available to establish the date of mailing as the date of receipt in the USPTO (see 37 CFR 1.8(a)(2)(i)(F)). The Express Mail procedure of 37 CFR 1.10 may be used.

The basic national fee may not be submitted via facsimile transmission.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/557,602 | PCT/JP04/07321 | 281383US0XPCT |

FORM PCT/DO/EO/912 (371 Formalities Notice)

COPY

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| Due Date | November 23, 2005 |
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OSMM&N File No. 281383US0X PCT

By NFO/lit/FF

Serial No. New U.S. PCT Application based on PCT/JP04/07321

In the matter of the Application of Shigeyuki KON, et al.

For IMMUNOCOMPETENT CELL ACTIVATION INHIBITOR AND USE
THEREOF

The following has been received in the U.S. Patent Office on the date stamped hereon:

- Application Data Sheet (3 pages)
- Notice of Priority
- Dep. Acct. Order Form
- Credit Card Payment Form for \$1,160.00
- PCT Transmittal Letter
- PCT/IB/304 PCT/IB/308
- International Search Report
- Request for Consideration of Documents Cited in International Search Report

SERIAL NO. _____

DATE RECEIVED _____



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